

REMARKS/ARGUMENTS

In response to the Office Action dated July 25, 2007, Applicant has amended claims 1, 2, 4, 5, 8, 10, 12-18, 22, 23, 26, and 29-32. Claims 33 and 34 have been added. Claims 1-34 are currently pending. No new matter was added by these amendments. For the reasons set forth below, Applicant respectfully traverse the objections and rejections of the claims.

Claim Objections

Applicant has amended claims 1, 2, 4, 8, 10, 12-18, 23, 26 and 29-31 to address the alleged indefiniteness of the claims. Moreover, the amendment to claim 1 clearly recites the "interface member," indicating that it is part of the invention. Therefore, this objection has been addressed, and Applicant respectfully requests that it be withdrawn.

Claim Rejections under 35 U.S.C. § 112

The Office Action rejected claim 16 under 35 U.S.C. § 112, second paragraph, as being indefinite. Claim 16 has been amended to clarify that at least a portion of the subject is inanimate. This has been done to recognize those instances where a portion of the subject may be inanimate, such as with an artificial heart.

Therefore, as this rejection has been addressed, Applicant respectfully requests that this rejection be withdrawn.

Claim Rejections under 35 U.S.C. § 102

The Office Action rejected claims 1-32 under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,616,613 ("Goodman"). Applicant respectfully traverses this rejection for at least the reasons set forth below.

Goodman discloses a system for health monitoring and obtaining biofeedback. [Goodman, Abstract] Among other things, the Goodman system obtains information related to blood pressure and the like. [Goodman, col. 5:16-35] Claim 1, as amended, specifically recites that the "interface module is configured to function when in indirect communication with the subject's body." However, none of the embodiments of the Goodman system disclose obtaining the information when an interface module is in indirect communication with the subject's body. Rather, Goodman specifically discloses obtaining blood pressure information from the wrist [see

Goodman, col. 27:53-65, Figure 15B], the finger [*see* Goodman, col. 6:14-36, 53-64, Figure 2], and the ear. [*see* Goodman, col. 13:59 - col. 14:13, Figure 6]. Goodman discloses various aspects specific to each of these embodiments. The measurements for each of these embodiments are obtained by using a photoplethysmography sensor to measure characteristics in the flow of blood in the capillaries via the reflection of light. [*See* Goodman, col. 9:51 - col. 10:7]. This sensing requires direct contact with the subject body, and the sensors cannot be used for sensing via indirect communication, e.g., sensing through a piece of clothing. Thus, Goodman does not disclose every element of claim 1. Moreover, there is no indication in Goodman that these embodiments are intended for or could be easily modified without undue experimentation.

Therefore, for at least the reasons set forth above, claim 1 is patentable over the prior art of record. Independent claims 22 and 32 recite similar language to that set for the in claim 1. Therefore, for at least the reasons set for the above, claims 22 and 32 are patentable over the prior art of record. Further, claims 2-21, claims 23-31 and 33, and claim 34, which depend from independent claims 1, 22 and 32 respectively, are also patentable for at least these reasons. Therefore, it is not necessary to address the additional patentable distinctions found in claims 2-21, 23-31 and 33, and 34 separately. For at least these reasons, Applicant respectfully submits that claims 1-32 are patentable over the prior art of record, and requests that the rejections in the Office Action be withdrawn.

Appl. No. 10/549,946
Amdt. dated December 12, 2007
Reply to Office Action of 7/25/2007

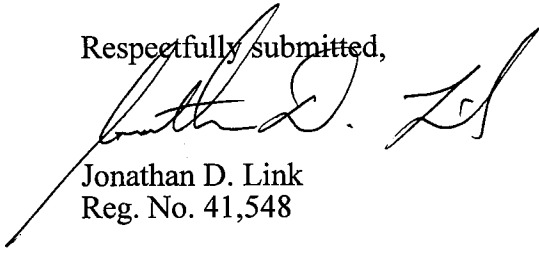
PATENT
Docket No.: 00766-04

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 202-481-9990.

Respectfully submitted,


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